

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DECKER, INC.,

Plaintiff,

Case No. 05-CV-70128

v.

HONORABLE DENISE PAGE HOOD

**G & N EQUIPMENT CO.,
and DANIEL ZIEHM,**

Defendants.

and

G & N EQUIPMENT CO.,

Third-Party Plaintiff,

v.

ADAGIO GRAPHICS, LLC.,

Third-Party Defendant.

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OPINION & ORDER ACCEPTING IN PART REPORT AND RECOMMENDATION

I. INTRODUCTION

This matter is before the Court on Magistrate Judge Donald A. Scheer's Report and Recommendation dated July 14, 1005. Neither party has filed an objection. For the reasons set forth below, the Court accepts in part the Magistrate's Report and Recommendation.

Magistrate Judge Scheer concluded that the Court lacks subject matter jurisdiction over Third-Party Plaintiff's contributory copyright infringement claim, and that the Court has supplemental jurisdiction over Third-Party Plaintiff's remaining claims. Magistrate Judge Scheer recommended that this Court grant in part and deny in part Third-Party Defendant's Motion to

Dismiss the Third-Party Complaint.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Donald A. Scheer, dated July 14, 2005, is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Third-Party Defendant's Motion to Dismiss the Third-Party Complaint [**Docket No. 11, filed March 15, 2005**] is GRANTED IN PART AND DENIED IN PART.

IT IS FURTHER ORDERED that Count I, contributory copyright infringement, of the Third-Party Complaint is DISMISSED.

/s/ Denise Page Hood
DENISE PAGE HOOD
United States District Judge

DATED: December 27, 2005